

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

IN RE: THE ADOPTION OF CARL LEE DEBRODIE, RESPONDENT; BRYAN KEITH
MARTIN AND MARY ELIZABETH MARTIN, APPELLANTS,
v.

KAREN DIGH ALLEN.

Respondent

DOCKET NUMBER WD77236

DATE: OCTOBER 28, 2014

Appeal From:

Circuit Court of Cole County, MO
The Honorable Jon Edward Beetem, Judge

Appellate Judges:

Division One
Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

Attorneys:

Daniel Ray Dunham, Columbia, MO, Counsel for Appellants,

Attorneys:

Mary Wehrheim, Columbia, MO, Attorney and Guardian for Respondent
, Elizabeth K. Magee, Columbia MO, Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**IN RE: THE ADOPTION OF CARL LEE
DEBRODIE, RESPONDENT;**

**BRYAN KEITH MARTIN AND MARY
ELIZABETH MARTIN, APPELLANTS,
v.**

KAREN DIGH ALLEN, Respondent

WD77236

Cole County

Before Division One Judges: Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

Bryan Keith Martin and Mary Elizabeth Martin (the Martins) appeal the circuit court's judgment denying their petition to adopt Carl Lee DeBrodie, an incapacitated and disabled adult. The Martins contend that: (1) the circuit court erred in requiring a clear and convincing standard of proof to support the adoption, and; (2) the circuit court erred in denying the adoption because it misapplied the adoption law to the evidence and to its own findings.

AFFIRMED

Division One holds:

- (1) The circuit court did not err in requiring clear and convincing proof that the adoption was fit and proper because the private interests of the mentally incapacitated adult adoptee that are implicated in an adoption are significant and a higher standard of proof than preponderance of the evidence is necessary to protect those interests.
- (2) The circuit court did not misapply the law to its findings or the evidence and the considerations given by the court were relevant in determining the best interests of Carl with regard to the adoption.

Opinion by Anthony Rex Gabbert, Judge

Date: 10/28/14

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